

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PATRICK EDDINGTON,
1000 Massachusetts Avenue
Washington, DC 20001

Plaintiff,

V.

U.S. NORTHERN COMMAND
250 Vandenberg Street, Suite B016
Peterson Air Force Base, CO 80914-3801

Defendants.

Case No. 1:19-cv-01996

COMPLAINT

1. Plaintiff, Patrick Eddington files this Freedom of Information Act suit to force Defendant U.S. Northern Command, to produce all records regarding the implementation of surveillance and/or detention for persons of Muslim faith and or Arab or Persian/Iranian heritage in the case of a declaration of a national emergency by the President.

PARTIES

2. Plaintiff Eddington is a policy analyst and scholar at the Cato Institute and made the FOIA requests at issue in this case as part of his work.

3. Defendant U.S. Northern Command (“NORTHCOM”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

NORTHCOM'S FOIA VIOLATION

6. On April 26, 2019, Eddington requested “any documents generated by any NORTHCOM element... concerning plans, policies, or programs regarding implementation of surveillance and/or detention programs for 1) persons of the Muslim faith, regardless of nationality... or 2) persons of Arab or Persian/Iranian heritage in the event of the declaration of a national emergency by the President or the enactment of an Authorization for the Use of Military Force (AUMF) or Declaration of War (DoW) against any nation: 1) in which Islam is the predominant religion or 2) in which the country or countries against which an AUMF or DoW corresponds to a specific Arab heritage... or other racial heritage group present in the United States.” Eddington also requested a waiver of all fees for his request. A true and correct copy of the request is attached as Exhibit A.

7. As of the date of this filing, Eddington has received no correspondence or production from NORTHCOM regarding this request.

COUNT I -- VIOLATION OF FOIA

8. The above paragraphs are incorporated herein.
9. Plaintiff made a proper FOIA request to Defendant.
10. Defendant NORTHCOM is an agency subject to FOIA.
11. Defendant has not promptly produced all non-exempt records responsive to the request resulting from an adequate search.

WHEREFORE, Plaintiff asks the Court to:

- i. Order Defendant to conduct a reasonable search for records and to produce all non-exempt requested records;
- ii. Award Plaintiff attorney fees and costs; and

iii. Enter any other relief the Court deems appropriate.

DATED: July 3, 2019

Respectfully Submitted,

/s/ Joshua Hart Burday
Attorneys for Plaintiff

Matthew Topic
Joshua Burday
Merrick Wayne
(E-Mail: foia@loevy.com)
LOEVY & LOEVY
311 N. Aberdeen, Third Floor
Chicago, Illinois 60607
Tel.: (312) 243-5900
Fax: (312) 243-5902
Bar Nos. IL0037, IL0042, & IL0058